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Boston, MA 02131
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617-899-7871

January 30, 2020

Joseph G. Donnellan
Rogal & Donnellan, P.C.
100 River Ridge Drive, Suite 203
Norwood, MA 02062

Re: Kevin S. Clapp v. Charles Baker et al. No: 18-10426-ADB

Dear Counsel for Defendants:

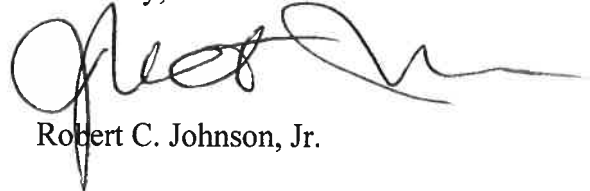
Please find enclosed copies of exhibits that plaintiff intends to introduce at trial. Please let me know which exhibits you contest, if any.

Exhibits

1. Hand Surgical Associates (Medical Records), 3/31/16125 Parker Hill Avenue, Boston, MA 02120
2. Letter from Dr. Paul Giella, 10/26/20
3. Photographs from Norfolk Sheriff's Office
4. Plaintiff's Answers to Interrogatories from Bruce Tobin
5. Complaint for Protection from Harassment
6. Use of Force Policy
7. Affidavit of Arthur P. Clapp
8. Hand Surgical Associates, 4/26/16
9. Correspondence from Mayor Joseph C. Sullivan
10. Medical notes from Dr. Giella (Provided under separate cover)

11. Evidence Bag- State Police
12. Jury Verdict Slip- Brockton District Court (One Claim)
13. Jury Verdict Slip- Dedham District Court (Three Claims)
14. Brewster Ambulance Service records
15. Morton Hospital records
16. Records from Plymouth Sheriff's Department
17. Foreclosure records
18. Supreme Judicial Court Justice Decision
19. Letter from Office of Attorney General instructing Plaintiff to contact the Norfolk County District Attorney's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Johnson, Jr.", with a long horizontal flourish extending to the right.

Robert C. Johnson, Jr.

Cc: Counsel of Record

EXHIBIT 1

Summary View for Clapp, Kevin



HAND SURGICAL ASSOCIATES
Surgery of the Hand & Upper Extremity

Office Locations: Boston - Brighton - Wellesley - Braintree - Bourne
www.BostonHand.com

Clapp, Kevin

56 Y old Male, DOB: 08/12/1959

Account Number: 197906

70 Brookville Ave, Brockton, MA-02302

Home: 617-413-2770

Guarantor: Clapp, Kevin Insurance: Medicare Part B

Claims Payer ID: PAPER

PCP: Howard Liu Referring: Paul Giella External Visit ID: 71253

Appointment Facility: Braintree Office

03/31/2016

Progress Notes: Hervey Kimball, MD

Current Medications

Taking

- Vasotec
- Aspirin
- Xanax
- Lipitor
- Percocet
- Valium
- Cymbalta
- Medication List reviewed and reconciled with the patient

Past Medical History

Hypertension
Deep vein thrombosis
Cholesterol elevation

Surgical History

back surgery

Family History

heart attack, heart disease.

Social History

Tobacco Use:

Tobacco Use/Smoking

Are you a nonsmoker

Drugs/Alcohol:

Alcohol Screen

Did you have a drink containing alcohol in the past year? No

Points 0

Miscellaneous:

Handedness: right.

Occupation: retired.

Allergies

Penicillin G Benzathine

Reason for Appointment

1. Right elbow injury, hand numbness

History of Present Illness

The patient is seen today for evaluation of right arm injury. Reported injury on March 8 2016. He was arrested and injury reported during altercation with the Police. He has seen Dr. McManama. He is treating left foot condition. MRI was advised but he was unable to get this due to ankle monitor. Past treatments for the reported elbow injury have included: ER visit at MGH. Records are not available. Details are limited in his historical report. Current associated signs and symptoms include: elbow pain, stiffness, difficulty with grip, weakness and paresthesias. No prior history of elbow trauma is noted. Consultation is requested. He is disabled MBTA worker related to lumbar spine back issue.

Vital Signs

Ht 6 ft 3 in, Wt 310 lbs, BMI 38.74 Index, RR 16 /min, Ht-cm 190.5 cm, Wt-kg 140.62 kg.

Examination

General Examination:

GENERAL APPEARANCE: in no acute distress, alert and oriented.

HEAD: normocephalic, atraumatic.

LYMPH NODES: no lymphangitis, lymphedema, bilateral.

SKIN: no suspicious lesions, intact, bilateral.

EXTREMITIES: no cyanosis, bilateral.

PERIPHERAL PULSES: normal, bilateral.

NEUROLOGIC: alert, cooperative with exam.

PSYCH: mood appropriate to situation, cooperative with exam.

Imaging/Tests:

Radiographs reviewed and interpreted soft tissue swelling posterior otherwise joint reduced no significant other changes noted.

Upper Extremity:

No swelling or proximal atrophy noted. Shoulder and elbow ROM is good bilateral. Tenderness noted somewhat over posterior joint line and medial at cubital tunnel. No gross instability. Fullness at olecranon bursa region. Pain with end ranges. Elbow flexion test pain, equivocal changes in paresthesias. CTS testing equivocal pain and paresthesias.

Patient: Clapp, Kevin DOB: 08/12/1959 Progress Note: Hervey Kimball, MD 03/31/2016
Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

Tinel sign at cubital tunnel and wrist. Wrist and hand ROM is good. Intrinsic strength weak 5-/5. Sensation intact except fingertips index to small. There is good cap refill bilateral.

Assessments

1. Dislocation, elbow closed, right, subsequent encounter - S53.104D (Primary)
2. Elbow pain, right - M25.521
3. Cubital tunnel syndrome on right - G56.21
4. Carpal tunnel syndrome of right wrist - G56.01

Treatment

1. Others

Notes: The findings, diagnosis, and options are discussed with the patient including potential treatments. All questions are answered. Given weakness and paresthesias he will plan for electrodiagnostic testing. We reviewed splint use, he will see therapy for splint(s). Follow up will be after testing with Dr. Bohart. Patient will call if problems or questions.

Hervey

Electronically signed by Hervey Kimball, MD on 04/19/2016 at 08:21 AM EDT

Sign off status: Completed

Braintree Office
250 Poud Street
Braintree, MA 021845351
Tel: 617-738-0857
Fax:

Patient: Clapp, Kevin DOB: 08/12/1959 Progress Note: Hervey Kimball, MD 03/31/2016

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

EXHIBIT 2

Paul Giella, PhD
Licensed Psychologist
34 Oak Rd
Milton, MA 02186
617-291-1436

United States District Court of Massachusetts
1 Courthouse Way
Boston, MA 02210
Honorable Justice Allison D. Burroughs
Re: Civil Action No 18. 10426A

October 26, 2020

Dear Honorable Justice Allison D. Burroughs,

I am in receipt of a request and release by my patient, Kevin S Clapp (dob 8/12/59), to write you concerning his request that his civil action not be dismissed. As you know from my past correspondence, Mr Clapp suffers longterm mental illness which makes it difficult for him to adhere to schedules or maintain relevant focus on the issues related to his case. His condition is such that he experiences the rapid onset of periods of severe depression, constant crying and suicidal ideation when facing challenges or setbacks. He reports to me that he has been harassed and insulted for months, has received threatening calls and vulgar photos in the mail, which he believes have originated from his opponents in the case, or their agents. He claims his brother has been witness to some aspects of this, and has filed an affidavit to that effect.

It is very important to Mr Clapp that he be known as an honest and truthful man. I am aware of no specific contradictions to this. I continue to hold sessions with him once or twice weekly, by phone as I have been working from home since the beginning of the pandemic. I am continually impressed by his emotional fragility and am concerned about his wellbeing should his case be dismissed.

Sincerely,

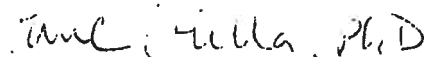
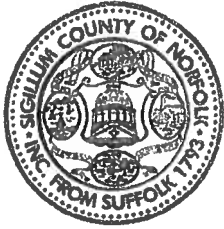

Paul Giella, PhD

EXHIBIT 3



MICHAEL G. BELLOTTI
SHERIFF

The Commonwealth of Massachusetts
County of Norfolk

OFFICE OF THE
SHERIFF



P. O. BOX 149
200 WEST STREET
DEDHAM, MA 02027
TEL: (781) 329-3705
FAX: (781) 326-1079
WWW.STATE.MA.US/SHERIFF/NORFOLK

July 18, 2016

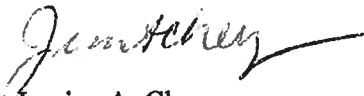
Kevin S. Clapp
79 Brookville Avenue
Brockton, MA 02302

Dear Mr. Clapp:

I am in receipt of your letter dated July 13, 2016 requesting copies of photos that were taken of your right arm and elbow area on March 9, 2016.

Enclosed please find copies of such. If you have any questions or concerns please feel free to contact me at (781) 751-3310.

Sincerely,


Jessica A. Cherry
Attorney

JAC/kd
Enc.





Norfolk County Sheriff's Office
Photo History - CLAPP, KEVIN STEPHEN
2016/07/18 11:29

Frame #	Inmate ID	Booking #	Photo Date	Description
1	46001	1058651	2016/03/09	RT ARM -
2	46001	1058651	2016/03/09	RT ARM -

REPORT FORM

Date: 1-17-17

P.O.'s Name: Diane Barry

Name: Kevin S. Clapp

Address: 79 Brookville Ave

Brockton, Mass

Phone: 617-413-2770

Employment: None - State Police Beat me up

Hours of Employment: and falsely accused me of

Any new arrests? Explain: NO perjury and misused There Badge

Signature: [Signature] of Authority

XX

To be completed by PO:

____ Verification of address provided.

____ Verification of income provided.

____ Verification of employment provided.

____ Payment made this date. Amount \$ _____

____ Breathalyzer administered. Results: _____

____ Drug screen conducted. Results: _____

____ Other: _____

____ Instructed to provide verifications at the next report date.

NEXT SCHEDULED REPORT DATE: _____

Eoh - 4A - 4H



Norfolk County Sheriff's Office
Photo History - CLAPP, KEVIN STEPHEN
2016/07/18 11:29



1



2

EXHIBIT 4A
Nickerson
11/19/20
Toni. F. Beckwith, RMR

EXHIBIT 4B
Nickerson
11/19/20
Toni F. Beckwith, RMR

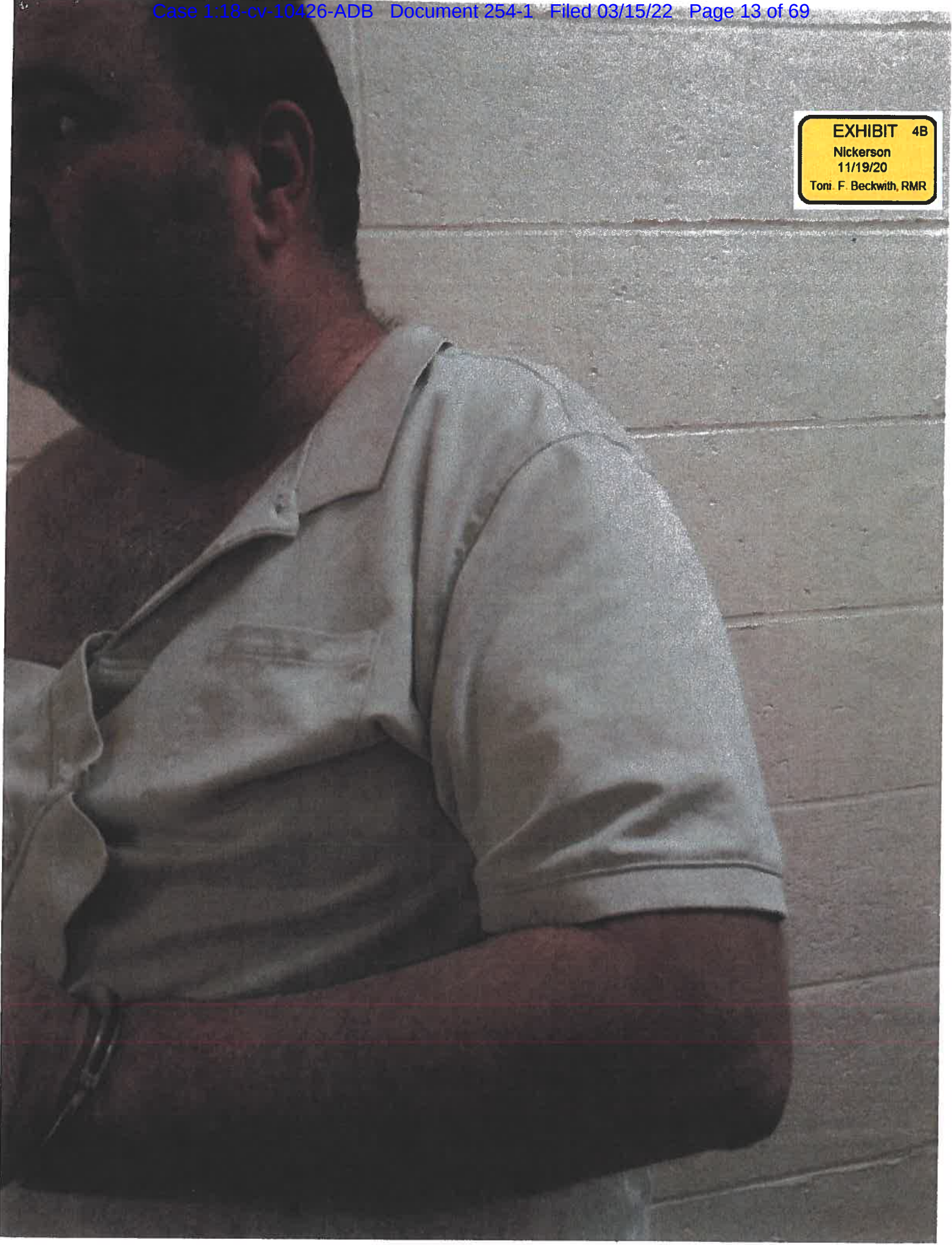


EXHIBIT 4C

Nickerson

11/19/20

Toni. F. Beckwith, RMR



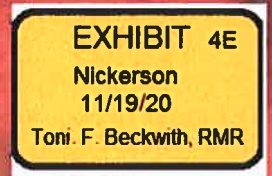
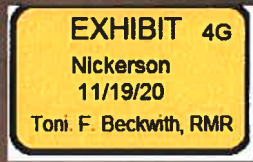


EXHIBIT 4F

Nickerson

11/19/20

Toni. F. Beckwith, RMR



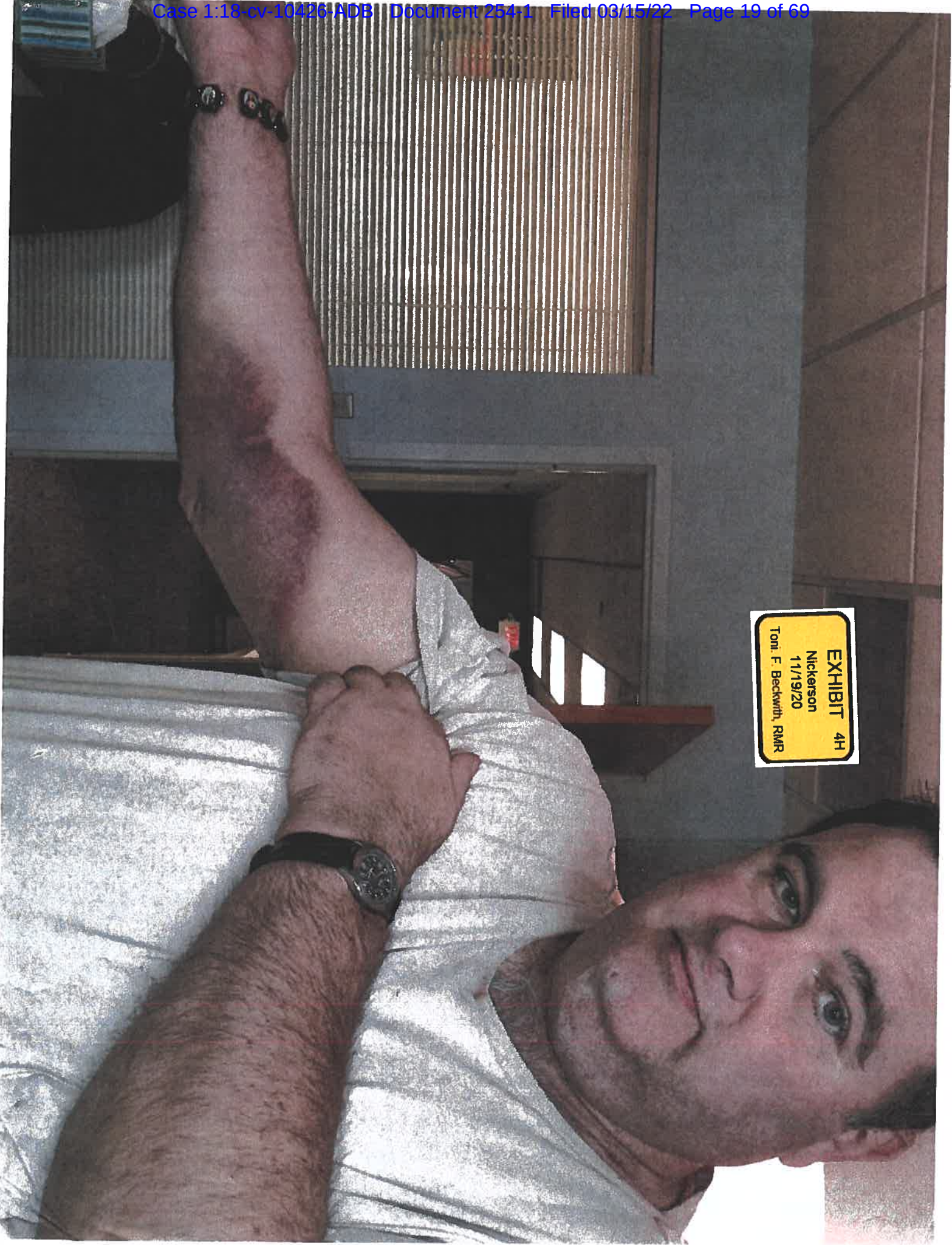


EXHIBIT 4H
Nickerson
11/19/20
Toni. F. Beckwith, RMR

EXHIBIT 4

- f. Describe all medications and narcotics prescribed for each such injury, identify by whom and for what purpose, where they were obtained, and the frequency and the period of time from date to date over which they were taken;
- g. Describe the nature, extent and duration by dates of any self-administered home care or therapy, and if recommended by any doctor or practitioner, give his name and address;
- h. State whether you are still being treated, examined or attended by any doctor or medical practitioner; and
- i. Give the date of each doctor's or other practitioner's written report, the addresses of those preparing each such report, the name of each doctor or other practitioner making any such report and the name and address of the present custodian of each such report.

Interrogatory No. 5

Identify each doctor, chiropractor, or other health practitioner who you had seen, consulted or been treated by, other than those identified in the preceding interrogatories, during the period beginning five years prior to the incident and continuing to the present. For each such practitioner state:

- a. the dates of treatment or consultations;
- b. the reason for the consultation or treatment received;
- c. all medicines prescribed; and
- d. the diagnosis and prognosis given by that practitioner.

Interrogatory No. 6

Identify and describe in full and complete detail how the incident alleged in your complaint occurred including without limitations, the time of day, the sequence of acts and events, the precise location of each act and event, and what you and your father did, saw and heard during the time immediately preceding and immediately following the incident and during the incident itself.

Interrogatory No. 7

State the names, addresses and telephone numbers of all persons that witnessed or may have knowledge of any part of the incidents referred to in your complaint or including any wrongful act of any of the Defendants and any damage or injury you suffered as a result of any act of any of the Defendants.

Interrogatory No. 8

As to each person named in your answer to the preceding interrogatory, state:

- (a) Describe in detail what each person saw, heard and did, including where they were at the time, and describe how you became aware of that information;
- (b) Identify all documents containing any statement or account by each such person, describe the document, and identify the holder of the document.
- (c) Describe the relationship of each person to you.

Interrogatory No. 9

Please give an account, itemized as fully and carefully as possible, of all losses and expenses or other damages which you claim were incurred by you as a result of any action of any Defendant, stating specifically but not limited to, those losses or expenses for medical care or treatment, and those caused by any lost time from employment. If you claim lost wages or earnings, as part of your answer:

- (a) provide a detailed list of the days and hours you were unable to work, and, for each day give the reason;
- (b) give your hourly wage before the incident, after your return to work and currently;
- (c) state whether you received sick leave, worker's compensation or disability pay or insurance, and, if so, the dates and amounts of all such payments. Identify the source of any such payment.
- (d) Identify each employer or business from which you lost work.

Interrogatory No. 10

For each expert witness who is expected to testify on your behalf at the trial of this case:

- (a) identify said expert witness and his area of expertise;
- (b) describe the substance of the facts to which each expert witness will testify;
- (c) describe the opinions to which each expert witness will testify;

you did so, and, if not, all actions you took to avoid getting into that cruiser and all actions each police officer took to get you into that cruiser.

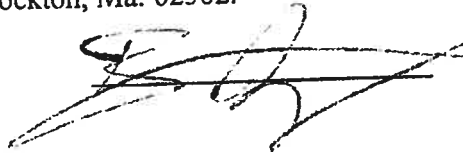
Respectfully submitted,
Defendant Bruce Tobin,
By his attorney,

/s/ Brian Rogal
Brian Rogal, BBO #424920
ROGAL & DONNELLAN, P.C.
100 River Ridge Drive
Norwood, MA 02062
(781) 255-1200
BRogal@RogalandDonnellan.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing document upon each other attorney of record via email and on the Plaintiff by mailing first class postage pre-paid to 79 Brookville Avenue, Brockton, Ma. 02302.

January 16, 2020



United States District Court
District of Massachusetts

4

Kevin S. Clapp
V. Plaintiff
Charles Baker, et. al.
Defendants

Civil Action#
1:18-CV.10426-ADB

Plaintiff Kevin S. Clapp Answers to Defendant
Bruce Tobin's First set of Interrogatories

1) Disabled, worked part time self employed on 1099 Tax
FOR FOR Trans. pro courier from Jan. 1st. 2019 to Aug. 24, 2019
Courier - \$22⁰⁰ per hr. \$7⁰⁰ per hr. self employed use your own CAR
Pickup Bank papers in vault boxes At night wanted me to
work more hrs. I can not he said you can not due the
route your doing The Bank is not happy with you I said
because I do my job and make notes and call the
Police on open Back Doors at Bank, owner said I will
give you a different route I said No he said then
your Fired, I then collected unemployment FOR 26 wks
at \$102 wky I am Disabled and have not worked
since nor can I work.

(Unstable Angina)
2) Physical and mentally Disabled - Back Surgery 12/99
having pain mothers murder put undue stress on me
I am very suicidal, depressed Soc Sec. Sends me
Forms to fill out every 3 yrs I mail them back
then they tell me I am still Disabled under there
Rules they can examine me untill age 65 I will be
Age 64 on Aug. 12th. God dont want me yet

Clapp V. Baker

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Also m.B.J.A I went out on Back and mental Disability they had me examined by some Psychiat 2yrs. Ago who told The $\text{\textcircled{T}}$ never to have me examined Again I have been threw to much trauma and can not work even though I can part time and I Force myself to The $\text{\textcircled{T}}$ can have me examined every 3yrs. up to Age 65 Then no more Age 65 is The magic Age, Then when I told The $\text{\textcircled{T}}$ Doctor and Soc. Sec. about how I was ambushed by The Mass. State Police and Then ate a bottle of 95 Nitroglycerin I have unstable Angina chewed the Glass Bottle and ate 30 10mg Valiums and took 2 100mg ~~but~~ viagra a sure way to die I did see Heaven I saw my mother, Dad, my Grandmother with my mom In her Arms when she was 2yrs old I want to die I want to be with my mother and 56 other True Friends and Relatives ~~I~~ Last What do I have to Live FOR? I Really hit Rock Bottom when The State Police Ambushed me why? Wouldn't they want me to help Save there mother? I am A good person Big Heart and people I had FOR years in my Life are dead happy in heaven I Believe we Live In A "Hell" Black Lives Do matter, All Lives due I told every Black person I see what this white man went threw to be a good son and I tell them ALL white troopers beat me up I told them They agreed and said they want to start demonstrating At State Police ~~Help~~ In Framingham because the State Police only Beat

Clapp v. Baker

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me up, They said if I was Black I would had been killed by Guns and it would of been as always Justified. A Black man told me he is stopped 18x A month by the state Police and out of 2200 uniform tips hardly any are woman or Black. The Black Lives matter asked me why state Police can take there cars home 2200 plus cars state Auditor Suzanne Bump said to stop it and This state would Save 16 million Dollars yrlly. Drive to your Detail or Barracks There pension why does The Gov. pick on the (F) we only got 53% of Base pay For 23 yrs and no age The State Police Get 20yrs no age 50% 25yrs. no age 75% IS That Fair? Whats Good for the Goose is Good For The Gander" state Judges work 30 hrs. wklly plus or less 10yrs. on the bench and 80% of \$187,000 Whats wrong? Why does the state Police Get A pension Based on there highest 3yrs. with overtime? But Charlie Baker and every Gov. wont fool with the Tips. union thats how he gets elected Let the (F) Sink- people hate the poor (F) workers so Charlie Baker gets ALL There votes of the people that hate the (F)

None of my injuries I recovered from I got worse, pain everywhere RT. Arm hand pain PTSD, Suicidal Major Depression Left foot Pain major Depression, Pee and pooh my pants Throw up I Go 3 months with same clothes and NO shower so Ask yourself Did I what The

Clapp V. Baker

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State Police Did to a nice man help or hurt my Conditions,

C) Trp. Tobin Pulled my RT. Arm out of The Socket I have a hard time talking or writing what was done to me I feel like that Poor Black man George that was Killed yelling FOR his mother. Thats what I did and I Thought this was all A CAR Jacking untill when they had there big Feet Standing on my neck and Back "I said my mother will get you all Back from Heaven" "One of them said Fuck your mother In Heaven They had Foam coming out of there mouth Like A Rabid wild Boar They threw my coffee on me Kicked me, Spit on me how, were these police it was impossible \$ Then Later on when I was transp. Trp. Mason said "hey Dont Blame us. where only the Cab Driver" This is a shit case you will Be out tonight I told them to pull over and shoot me and you still can be a hero on The 11am News They Ambushed me to protect one of there own and 2 Jurys Sw That and cried and Just said there = all Liars not one of them could tell the Some story on ~~was~~ was that apparant when I ~~At~~ Read The 298 pages of the Last Case transcript

D) (See Above)

E) (Will Get Photos)

F) Dr. McManama. 50% Loss of use Depending on what Deb
AD Running & Tread mill Dr. Herve & Kimball 50% Loss of use of

Clapp V. Baker

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my Right Arm and hand DR. Grilli 50% Loss of hearing
From being Kicked on RT. Ear. DR. Giella - 100%

I will most Likely one day Just try and Succeed to go
to Heaven.

G.) Already answered in other Interrogatory's

4.) ALL was Listed Agreed by Counsel I signed all
my medical Release notes.

5.) you have answered to this

6.) Your sick my Father Died on Oct. 19, 1983 If you
Read Interrogatory NO: 6 "it ask what you and your
father did, saw, heard, There is an answer to This
uncalled for sick Sociopath Question my Father
watched and cried From Heaven - wait until I show
the Jury this - this is the example that you
Trooper Lawyers Due to me to want to Kill
myself "God does not Like ugly" I must call
my ph.D. and I can feel shaky this was a mean thing
and sick to do to me.

7.) The Juries that heard This case twice
They Ambushed me in The DARK God Saw it and so
Didn't ALL my Family and Friends see Heaven

CLAPP V. BAKER

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8.) N/A

- 9.) I can never work ever again part time,
A) I will be losing my home \$350,000
B) My ins. pays my doctors and will continue to,
C) I will be living in my car at Walmart-Pkg. Lot.

~~10~~ 10) DR. Paul Giella Ph.D.

DR. Hervey Kimball III - M.D. Surgeon (Elbow, hand shoulder)

DR. George McManama - orthopedic Surgeon

Reserve the Right to have an expert witness
on "Excessive Force" I have paid them nothing yet

11.) Can not possibly Recall

12.) He Lied on warrant, He never told Fanning
he was getting me arrested or charge with "Stalking" The
only Acc in the hole For Bruce Tobin Fanning knew
nothing never listed it on his 258 E Application
What an Ambush that Backfired

13.) TO hard to talk about I did not know Bruce Tobin
I never knew it was State Police Then when my Atty.
Got me Report I Read it was Tobin who pulled my RT Arm
in Damage it and what else he did to me then Called
in Daddy At The Quincy Court The next Day to tell him and
It calls to me Confirming This

CLAPP V. Baker

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14.) See #12

15.) I had no idea they were any police no Guns, Badges, Flashlights, warrant They were CAR JACKERS what cop Dont carry A Flashlight? Simply stated it was an ambush gone wrong I was so abused I cant Recall every detail I only realized they were the state Police when A marked police cruiser pulled up and they dragged me 65' down my Driveway under my American Flag "what A disgrace" They then picked my pants up ripped them and Threw me head 1st. Into the Back of The marked Policecruiser Trps. Mason and Basilia were already in The car-I dont think they ever got out they were eating a Salad they got Free From Aromas up the street From my hse. VASilia Said Dont Blame us we are only The Cab Driver and Then Said "This is A shit case you will Be out tonight, you have a nice hse" I never thought This was Brockton"

Dated: July 31, 2020

Respectfully Submitted
Kevin S. Clapp
Kevin S. CLAPP-prose
79 Brookville Ave
Brockton, Mass. 02302
(508) 588-5338

EXHIBIT 5

COMPLAINT FOR PROTECTION FROM HARASSMENT G.L. c. 258E				DOCKET NO. (for court use only) 1658R00050		Massachusetts Trial Court		
A	<input type="checkbox"/> BOSTON MUNICIPAL COURT		<input checked="" type="checkbox"/> DISTRICT COURT		<input type="checkbox"/> JUVENILE COURT		<input type="checkbox"/> SUPERIOR COURT	
								DIVISION Hingham
B	NAME OF PLAINTIFF (person seeking protection) John M. Fanning				NAME OF DEFENDANT (person accused of harassment) Kevin S. Clapp			
C	I am: <input checked="" type="checkbox"/> 18 or older <input type="checkbox"/> 17 <input type="checkbox"/> 16 or younger The Defendant is: <input checked="" type="checkbox"/> 18 or older <input type="checkbox"/> 17 <input type="checkbox"/> 16 or younger <input type="checkbox"/> I am under the age of 18 and _____ my _____ (relationship to Plaintiff), has filed this Complaint for me.				Are there any prior or pending actions between the plaintiff and the defendant? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES If so, list court, type of case, date and docket no. (if available) Threats - Stoughton DC.			
D	I SUFFERED HARASSMENT WHEN: <input checked="" type="checkbox"/> on or about (dates) 3/5 - 3/8/2016 the Defendant committed 3 or more acts of willful and malicious conduct aimed at me which were committed with the intent to cause fear, intimidation, abuse or damage to property and did in fact cause fear, intimidation, abuse or damage to property. <input type="checkbox"/> on or about (date) _____ the Defendant by force, threat or duress caused me to involuntarily engage in sexual relations. <input type="checkbox"/> on or about (date) _____ the Defendant committed against me an act that constitutes a violation of one of the following statutes: G.L. c. 265, §§ 13B, 13F or 13H (indecent assault and battery), 22 or 22A (rape), 23 (statutory rape), 24 or 24B (assault with intent to rape), 26C (enticing a child), 43 (criminal stalking) or 43A (criminal harassment), or G.L. c. 272, § 3 (drugging for sexual intercourse).							
E	THEREFORE, I ASK THE COURT: <input checked="" type="checkbox"/> 1. to order the Defendant not to abuse me by physically harming me, attempting to physically harm me, or placing me in fear of imminent serious physical harm, and to stop harassing me (1) by any willful and malicious conduct aimed at me and intended to cause fear, intimidation, abuse or damage to property, or (2) by using force, threat or duress to make me engage in sexual relations unwillingly, or (3) by committing against me any act that constitutes a violation of any of the following statutes: G.L. c. 265, §§ 13B, 13F or 13H (indecent assault and battery), 22 or 22A (rape), 23 (statutory rape), 24 or 24B (assault with intent to rape), 26C (enticing a child), 43 (criminal stalking) or 43A (criminal harassment), or G.L. c. 272, § 3 (drugging for sexual intercourse). <input checked="" type="checkbox"/> 2. to order the Defendant not to contact me, unless authorized to do so by the Court. <input checked="" type="checkbox"/> 3. to order the Defendant to remain away from my residence (as listed on the PLAINTIFF CONFIDENTIAL INFORMATION form). <input checked="" type="checkbox"/> 4. to order the Defendant to remain away from my workplace (as listed on the PLAINTIFF CONFIDENTIAL INFORMATION form). <input type="checkbox"/> 5. to order the Defendant to pay me \$ _____ in compensation for the following losses suffered as a direct result of the harassment: _____ _____ <input checked="" type="checkbox"/> 6. to order the relief I have requested, except for compensation for losses suffered, without advance notice to the Defendant because there is a substantial likelihood of immediate danger of harassment. I understand that, if the Court issues such a temporary Order, the Court will schedule a hearing within 10 court business days to determine whether such a temporary Order should be continued, and I must appear in court on that day if I wish the Order to be continued.							
Please complete the AFFIDAVIT on the reverse of this page, the PLAINTIFF CONFIDENTIAL INFORMATION form, and the DEFENDANT INFORMATION form.				DATE 3/8/2016		PLAINTIFF'S SIGNATURE 		
This is a request for a civil order to protect the Plaintiff from future abuse or harassment. The actions of the Defendant may also constitute a crime subject to criminal penalties. For information about filing a criminal complaint, you may talk with the District Attorney's Office for the location where the alleged harassment occurred.								

AFFIDAVIT

Describe in detail the most recent incidents of harassment. If the harassment consisted only of conduct that was willful and malicious but was not a violation of the listed criminal statutes, you must describe at least 3 separate incidents of such harassment. The judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other services sought. Also, describe any history of harassment, with as much of the above detail as possible.

On or about _____, 20____, the Defendant _____

See Attached Affidavit

If more space is needed, attach additional pages and check this box: ☐

I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.

DATE SIGNED

3/8/2016

PLAINTIFF'S SIGNATURE

X

WITNESSED BY

X

PRINTED NAME OF WITNESS

TITLE/RANK OF WITNESS

Affidavit in support of a Harassment Order under G.L. c. 258E:

On Saturday March 5, 2016 between 9:46PM and 10:55PM, I received multiple pictures and texts from a number that is associated and used by Kevin Clapp (8/12/59, 79 Brookville Ave, Brockton). The texts are in reference to his mother being injured in a Westwood Nursing Home and subsequently dying in at a Boston Hospital. I have only known this information by Mr. Clapp texting me or by telling third parties about this incident. I currently work for the State Police attached to the Norfolk DA's office, and I have never heard about this case in or around my office. I subsequently found out, that there is no record of this case in our office. His texts between these times included pictures of his mother's injuries and the following text content:

"U GOT SOME BIG BALLS BAGGING MY MOTHERS CASE BEING BEAT UP IN WESTWOOD MY PROMISE TO U IS I WILL GET U FIRED U CAN DO ROOFS WITH AL I WAS TOLD U WERE BEHIND IT U DRUNK AND THAT FAT D.A. Drunk u work for I will be on the phone monday to the Colonels office the secretary of public safety and dont think i ever lost my pipeline to Baker he started the case for me when i drove over his hse.and was in his kitchen and he got these photos u should of helped my poor mother but u bag it u rather save the Junkies on Fox 25 i am charging u with Obstruction of Justice and Conspiracy if the state courts fail me then i go federal court i always knew u were behind it as my brother Arthur said Go for it ma would want u to Super Troopers are not protected like the old days The apple dont fall to far from the tree and my witness will give ur internal affairs and so will i a valid complaint u are such a sneaky Ungratefull shit bag U belong on Rat Patroll I bury ur dad What did my poor mother ever do to u u dont deserve any cops job ur the Sociopath type u luv urself"

I responded back with the following text:

"I'll respond to this once Kevin. I had nothing to do with your mother's case. I don't know a single thread of information about it. I'm sorry you feel this way, but it has never been in my hands or spoken about in front of me. I have nothing to hide. I've never been malicious to you or your family and I wouldn't be. Please don't be malicious to me or my family and friends."

His response back:

"Thanks John leo is txting me 20x i guess leo dont recall last nite seems he was to drunk there u go again I never said a thing about ur family or friends this is between u and me so dont intimidate me because it dont work u got that cop attitude minus leo it leaves 2 rats that gave me ur name u think cause u work for that fat dirty d.a.ur protected tell me john when the milton cop bagged ur boss first it was he was odering a pizza then he goes to court and it was his foot want a good drug pinch go to former d.a.keatings hse.his daughter is a big time drug king pin was told that when a lawyer hired me to go to dedham jail to speak to his clients every trp. Told me no one wants ur job tell me john how do u handle a 99 year old at a suspcious death do u kick her to the curb like my mother was why dont u help the elderly instead of the junkies with ur narc spray no Dont EVER think i am afraid of u i guess internal affairs i will never back down from u ur a drunk a liar and a dirty cop good luck in court i cant wait once i ruin ur credibility its OVER"

To give some background, Mr. Clapp was a friend of my mother and a family friend for many years. Approximately 7 years ago, I cut ties with Mr. Clapp because of comments that he made about my wife and family. It was cordial and I stopped all contact with him, over that time he would send texts to me

and I would not respond. Mr. Clapp routinely spoke with a 2nd cousin of mine, named Leo Murray. I told Mr. Murray to not talk to Mr. Clapp about me or my family. Mr. Clapp would also text a childhood friend Vincent Noe, who is also a State Trooper. The last time that I saw and spoke with Mr. Clapp was in January 2014 at my mother's funeral.

On Sunday March, 6, 2016, Mr. Noe forwarded me numerous texts that Mr. Clapp had sent to him, these were those texts:

"HI VIN TO POSSIBLY TELL U HOW HURT I AM JOHN AND U CAME FROM 2 ENTIRELY DIFFRENT BACKGROUNDS U WERE RAISED WITH HOW TO LOVE AND RESPECT PEOPLE AND SHOW COMPASSION SAME AS I WAS RAISED WE ARE VERY LUCKY TO HAVE HAD THE PARENTS WE DO IN UR CASE I AM THE TYPE TO GIVE AND TO SHOW MY RESPECT BUT IF SOMEONE HURTS ME I AM RELENTLESS AND NEVER LET GO IF U RESPECT ME I SHOW IT BACK I AM NOT A VIOLATE PERSON BUT PEOPLE THAT HURT ME OR SOMEONE I LOVE THEN ITS TIME TO TAKE THE LEGAL STEPS WHATEVER THEY MAY BE U ARE FANNINGS CLOSEST FRIEND SO I COME TO U WITH MY PHOTOS AND TXT TO FANNING BECAUSE HE IS NOT MAN ENOUGH TO CALL ME OR TXT. Me my mother and father always taught me to be 100per.cent sure before u take action Vin i am at 100per.cent.after the phone call i got last night John told me once that his dad told him when u have a problem with a man u confront that man vin my mother was murdered 14 days before i was beaten up by 6 thugs legal council kept it out of the paper thats why there was no public obit.and we had a private wake and funeral PART 2 next PART 2 WITHOUT GOING INTO THE DETAILS I HAVE BEEN THREW A LIVING HELL AND SO HAS MY FAMILY BELIEVE ME VIN I TAKE NO HAPPINESS NO JOY AND NO PRIDE IN TAKING SOMEONES JOB OR CAREER AWAY FROM THEM BUT DIRTY COPS I HAVE ZERO TOLERANCE FOR GOD KNOWS I HAVE MET AND HELPED SOME GREAT GUYS WHO ARE STILL ON MY CASE WITH ME AND MY MOTHERS CASE VIN I WANT U TO FOCUS REAL HARD IF THIS HAPPENED TO UR MOM OR 98 YR.OLD GRANDMOTHER AROUND JULY 2013 MY MOM WAS AT THE CLARKE HSE.REHAB.CTR.IN WESTWOOD THE D.P.H. Laws say u can visit any time and stay 24 7 if u want the law also sais if any other patient dont like it they have to move that pt.on the 2nd.nite at 9p.m. I showed up no one knew i was coming when i got off the elevator i heard my mother screaming my name the nurse said oh ur mom wants the phone to call u i ran down that hall and into my moms room to find a black hatian picking my mom lifted up by her johnny banging her head against the wall the broke her anal bone her bum was all bruised i will send u the photos u will see my white gloves part d next

PART3 VIN WHEN I LEFT THE ROOM TO YELL FOR HELP THE HATIAN THEN THREW MY MOM ON THE TOILET AND BENT THE BARS I WILL SEND U PHOTO MY MOTHER CRIED SO I SLEPT ALL NIGHT WITH HER IN THE OTHER BED THE NURSE SAID THE VISTING HOURS ARE OVER I TOLD HER THE THE LAW IS I CAN STAY 24 7 PLUS I AM HER PRIMARY HEALTH CARE PROXY THE NEXT DAY AT 6AM 2 WESTWOOD COPS SHOW UP AND GIVE ME A LOT OF SHIT A FAT DRUNK WHO WAS LOOKING LIKE HE WAS BOOZEING AND SLEEPING ALL NIGHT AND SOME YOUNG WOMAN COP WHO DID NOT SAY MUCH THE FEMALE COP SAW MY MOMS INJURIES AND WROTE A GOOD REPORT MY MOM TOLD THE COPS THE REPORT STATED MY MOM ADMITTED HER BEATING DID HAPPEN I THEN CARRIED MY POOR MOTHER OUT OF THERE IN MY ARMS IN THE ELEVATOR AND PUT HER INTO MY TRUCK AND TO MY HOME THIS PLACE WAS KINDRED HEALTH CARE VERY WELL KNOWN FOR ELDERLY ABUSE THEY MADE A CONFIDENTIAL SETTLEMENT WITH OUR LAWYER A MONTH OR SO I WAS TALKING TO 2 TRPS.ABOUT THE CASE IN CANTON A MAN AND A LADY TRP. Who said they handle elderly abuse they were good i told them westwood p.d. Was bagging it and the

Part4 then i learned they suspended the hatian that night then fired her but vin the 2 nice trps.then blew me off i knew they were told to The Bag JOB Was ON atty.jack Atwood did a lot of digging for us i went to the quincy d.a. Office for help the woman at the desk she cried when she saw the photos and

went to tell another woman she came back and said u got to get out of here she saw ur name and called 911 i waited for the cops i told them i am reporting a crine they answ. We dont give a fuck we went in the elevator i shut the elevator off and told them to shoot me and they can look like hero cops i took my cell phone out and called my friend frank calabro a tough no bullshit ret. Quincy cop he drove down but missed them when the cops heard calabro was my friend i said tell me the truth the cop said to me when we spoke to the asst.d.a. Who wanted u out of the office they said there was a trp.assigned to morrisseys office whn hates u and bagged this case i said who they looked in there note book and said fanning i said thanks for the tip Part5.months later threw a state hse.connection i have we made a break threw with a state police capt.he hated fanning pretty boy who wants to climb the ladder by his selfpro claimed fame and glory the capt.loved u he said u would be a good p.r.man i told them the mailman is okay i told him fannings on fox 25 saving all the junkies i said let them die he agreed i told him at least the mailman is getting drunks like fanning off the roads drunks kill innocent people at least junkies kill themselves and not innocent people a junkie is not a dease it is self inflicted also i told him the good friends i have been with state auditor suzzane bunn i have known her for over 35 years back when i helped her get in as State Rep.they knew fanning is nothing more than a stage front or a window dressing i tell everyone the story when the state police pull johns grandfather The KingPin for O.u.i.the trp.said john this old guy said he is ur grandfather Fanning Replies Fuck Him Treat him like anyone else but yet the holy roller shit bag goes to the nursing home Part 6.So John goes to the nursing home to say goodbye and pray with the kingpin what a Hypicrite Vin can u recall i am sure u can when i told u nana diane and me were watching luke for the night and diane was giving baby luke a tubby i was in the living room and a horn beeped gee diane left baby luke in the tub while she was getting in the car and they left a drug score what else then i heard luke screaming i could not take the noise so i went in to find luke sliding under the water the water level was at lukes chin he would of drown as much as john and jane hated me at there house it was the work of god that i was there or they would have buried there 1rst.born son i put lukes tub toys i bought him diane came back about 15 min. Later stoned out of her mind i had calmed luke down and pulled him back up when diane saw me she said oh boy u would suck with kids i said why she said cause i was rinseing his hair under the tub spicket and not using a cup u told me vin not to tell john or jane it will make things worse PART 7.HOW IRONIC VIN I SAVED HIS SONS LIFE AND HE CONSPIRED TO TAKE MY MOTHERS LIFE THEN LAST NIGHT THE FROSTING WAS PUT ON THE CAKE WHEN THEN COUSIN LEO TELLS ME THAT FANNING TOLD LEO THAT HE FANNING WILL MAKE SURE MY MOTHERS BEATING CASE GOES NO WHERE I WILL TELL U VIN THIS IS NOT GOOD MY MOTHER ALWAYS LIKED JOHN JANE AND THE KIDS EVEN HAD THEM OVER FOR DINNER EVEN MY MOTHER SAID TELL BOTH JOHN AND JANE ABOUT WHAT DIANE DID TO LUKE IN THE TUB I TRULY BELIEVE THEY ALL HAVE SATAN IN THEN THE DEVIL CAN ONLY WORK THREW PEOPLE THEY NEED AN EXCORDEST THE DEVIL MUST BE REMOVED THERE SO FULL OF EVIL GEE VIN HOW ODD COUSIN LEO HAS HAD HIS PHONE OFF ALL DAY AND COUSIN LEO DONT LIE LIKE LEO SAID I HAVE DQNE SO MUCH FOR ALL OF THEM JUST SO UNGRATEFULL"

On Sunday March 6, 2016 while receiving all of this, i called my second cousin Leo Murray. I told Mr. Murray to not mention my name to Mr. Clapp and that he was now sending me harassing and threatening texts. Later that night, Mr. Murray contacted State Police Headquarters and notified them that Mr. Clapp was threatening to kill me and my wife. It was my intention prior to this to notify my chain of command about this incident. Mr. Murray's call to headquarters started the investigation into the event.

On Monday, March 7, 2016, Sgt. Brooks and Tpr Kearns located and interviewed Leo Murray. He stated through several phone calls with Kevin Clapp over the previous night that Clapp had threatened to kill

Tpr. Fanning and members of Fanning's family. Murray stated Clapp knew Tpr. Fanning's parents and blamed Tpr. Fanning for not following up on his (Clapp's) mother's death. Murray quoted Clapp as saying "I want to kill that bastard. I hate his wife. I could kill her too." As well as other threatening statements. Murray also stated Clapp said he would get Tpr. Fanning fired and Fanning's sister fired from her job at the MBTA. Murray said Clapp was "out of control angry."

Sgt. Brooks and Tpr Kearns later went to Kevin Clapp's residence, 79 Brookville Ave., Brockton in an attempt to interview him. There was a vehicle in the driveway registered to him and several lights were on, but he did not answer numerous knocks at the door. I was able to contact Clapp via phone and explained we would like to speak to him. He became argumentative and refused to agree to meet with us. He continually argued, stated we were harassing him and told us to get away from his house. I told him I could not find any record of his mother's death at our office and he stated she died at a Boston Hospital. I explained to him that the Norfolk DA's office would not have responded to that and that Tpr. Fanning would not have been involved in a death investigation in Boston. He again became argumentative, blaming Tpr. Fanning for a cover up. I asked him if he had threatened anybody to include Tpr. Fanning and his family which he denied stating "I called the Colonel's office today and filed a complaint against Tpr. Fanning." When asked who he spoke with at the Colonel's office Clapp couldn't recall a name. Clapp again became argumentative and I advised him he could contact me or a supervisor at the Norfolk DA's office and I terminated the call.

On Tuesday March 8, 2016 at approximately 10:00 am, Lt. Gerard R. Mattaliano received a call from Lt. Michael Richards assigned to the State Police Headquarters in Framingham. Lt. Richards told Lt. Mattaliano that he received a call from Mr. Kevin S. Clapp (8/12/1959 79 Brookville Ave, Brockton) who proceeded to tell him he wanted to lodge a complaint against Trooper John Fanning relative to the death of his mother in Boston. Lt. Mattaliano informed him of an active investigation of threats to Trooper John Fanning and his family from Kevin S. Clapp and that Trooper Fanning had no participation or knowledge of the circumstances of his mother's death. Lt. Richards concluded the call by instructing Clapp how to make a formal complaint to the State Police.

EXHIBIT 6

Subject	Use of Force	Number	UOF-01
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Force Continuum

The Force Continuum responses need not be exercised in progression.

If the subject is...	Then the response may include...
Cooperative	<ul style="list-style-type: none"> Verbal commands.
Uncooperative, but <u>not</u> assaultive	<ul style="list-style-type: none"> Verbal commands; Control techniques; and Oleoresin Capsicum (OC) Spray, according to training.
Assaultive	<ul style="list-style-type: none"> All of the above responses; Striking techniques; and Any other Department approved less lethal force equipment.
Presenting a threat of serious bodily harm/serious physical injuries or death.	<ul style="list-style-type: none"> All of the above responses; and Lethal force.

Escalation of Force

Escalating the level of force may be necessary given resistance levels and circumstances. Factors in this decision include, but are not limited to:

- Subject vs. member - relative to age, size, physical condition, skill level;
- Subject's drug and alcohol use;
- Weapons - type, proximity;
- Seriousness of offense;
- Exigent circumstances; and
- Number of potential assailants vs. number of police on the scene.

Use of Force

Verbal Commands - Commands and gestures designed to:

- Effect compliance; and
- Express the member's intent.

Control Techniques - Only those control techniques authorized by the Department may be used to achieve compliance and/or control of an uncooperative subject. These techniques include:

- Physical manipulation (e.g. escort position, come-a-longs, take-downs);
- Temporary restraints such as handcuffs; and
- Use of baton or other issued equipment for control.

In exigent circumstances, other control techniques may be used.

Continued next page.



Subject	Use of Force	Number	UOF-01
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**Use of Force
(Continued)**

OC Spray - OC spray may be used in situations involving:

- Assault; or
- Physical resistance when:
 1. Verbal commands have failed to bring about compliance; and
 2. Subject has signaled their intentions to actively resist.

OC spray shall not be used on passive resisters who offer **NO** physical resistance.

Striking Techniques - Striking techniques may be used on an assaultive subject to achieve compliance and/or control.

Striking techniques may include the use of issued equipment (baton, flashlight, PR-24NX, etc.), as well as hands, feet, elbows, or knees.

In exigent circumstances, other instrumentalities may be used.

**Lethal Force
Authorization**

Members are authorized to use lethal force in order to protect themselves or others from an immediate threat of death or serious bodily harm.

Warnings- If feasible, some warning shall be given before any use of force.

**Use of Lethal
Force:
Preventing
Escape**

Members are authorized to use lethal force to prevent the escape of a suspect when:

- The arrest is for a felony;
- The member believes that the force employed creates no substantial risk of injury to innocent persons; and either:
 1. The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or
 2. There is a substantial risk that the person to be arrested will cause death or serious bodily harm/serious physical injuries if the suspect's apprehension is delayed.
- If feasible, some warning has been given.

Subject	Use of Force	Number	UOF-01
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Use of Firearms

A member <u>may</u> discharge a firearm for:	<ul style="list-style-type: none"> • The lawful performance of duties; • On or off duty training at a range, specifically designed for that purpose and using only Department authorized ammunition; or • Rendering harmless an animal that represents a threat to public safety or is seriously injured and suffering.
A member <u>SHALL NOT</u> discharge a firearm:	<ul style="list-style-type: none"> • As a warning; • To merely disable a fleeing vehicle; or • At a moving vehicle – <u>UNLESS:</u> An occupant uses or threatens to use immediate lethal force directed at the member or another person to cause them serious bodily harm/serious physical injury or death.

Discharge of a Firearm At a Moving Motor Vehicle

Members shall:	<ul style="list-style-type: none"> • As a first course of action, <u>remove themselves</u> from the path of a moving vehicle or position of vulnerability; and • Understand and consider that: <ol style="list-style-type: none"> 1. Bullets fired at moving vehicles are extremely unlikely to stop or disable the motor vehicle; 2. Bullets fired may miss the intended target or ricochet and cause injury to themselves, other officers, or innocent persons; or 3. If the bullets disable the operator, the vehicle may crash and cause injury to themselves, other officers, or innocent persons
----------------	--

Ready Position

When the member reasonably believes that there is a potential threat of serious bodily harm/serious physical injuries or death, the firearm may be placed at the ready position:

- Trigger finger is along side the frame except when ready to engage; and
- It is drawn down range in a safe direction below the line of sight, so as not to impede member's vision.

Subject Use of Force	Number UOF-01
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**Use of Force
Equipment and
Training**

The Colonel/Superintendent shall authorize the specific use of force equipment and training to be used by members.

Members are responsible for keeping their equipment clean and operational at all times.

All members shall have successfully completed training in the specific use of force equipment prior to use.

**Investigations/
Reporting**

Reporting Use of Force - The policy UOF-03 Reports, shall be adhered to upon any:

- On duty discharge of any weapon outside of a training range specifically designed for that purpose;
- Off duty discharge of a Department weapon outside of a training range specifically designed for that purpose;
- Striking technique is used;
- OC Spray is used; or
- Use of force caused or is reported to have caused injury or death to another.

Medical Aid

Members shall administer and secure medical aid after any use of force, if necessary.

References

UOF-03 Use of Force Reports

Formulated By:

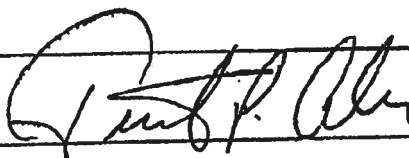


EXHIBIT 7

AFFIDAVIT OF ARTHUR P. CLAPP

1. My name is Arthur P. Clapp.
2. I reside at 217 Lothrop Street, Taunton, MA 02780.
3. I am 80 years of age with good hearing.
4. I am the blood brother of Kevin Clapp.
5. On or around September, 2020, I was at my brother's home. I have a key to his home, his garage door opener code and keys to his automobile.
6. When I arrived at his home, he did not answer the door. I entered his home for a wellbeing check. He was on the phone and gave me a hand gesture to keep quiet and to listen. He was on the speaker phone. I am a smoker and I lit a cigarette and sat in the den where my brother Kevin was on the phone. I knew it had to be about his Federal Court case because he stated on the phone the following or something to the effect.
7. Kevin states, "Joe, you're an attorney. You can get in big trouble. What is the real reason you're filing a motion to dismiss my case? It has nothing to do with the discovery because you, Brian and myself agreed." A voice answered back to Kevin, "I am doing it because of the phone messages you left my partner." My brother Kevin responded, "Are you crazy? You are going to lie to a Federal Court Judge over that?" The attorney who my brother Kevin then addressed as Attorney Donnellan said, "Yes, I am. Let the Judge figure it out." My brother told him, "All I wanted was an apology using my deceased father's name on Interrogatory No. 6." My brother asked, "Why did Brian do that? I started to want to kill myself and it was 3:00 a.m. and I had to call the suicide hotline for the Good Samaritans. Just say it was a mistake." My brother Kevin was then asked by this Attorney Joe Donnellan the following serious statement: "Do you think we want you dead over this case?" My brother firmly said, "Absolutely on my mother's soul, you want me dead." Then this Joe Donnellan hesitates and said to my brother again, "Well, I am filing the motion to dismiss the case and you can hope the Judge can figure it all out." My brother Kevin then called this lawyer, "a dirty lying bastard and hopes he gets disbarred with his dirty partner and they both go to Federal Prison."
8. My brother or the lawyer said, "Do what you want" and hung up the phone.
9. I would like the Court to be aware we are not close brothers. We were arrested in 2007 over \$400 and a piece of meatloaf and charged with assault and battery. We invoked the 5th Amendment rights to self-incriminate in Quincy Court and had the case dismissed. We did not speak for over 30 years sometimes living in the same house, being my mother's home. My point to this Court is my mother died a very tragic death with no dignity and I was taught by my parents growing up to tell the truth and to stand by your siblings. I have witnessed many things how my brother was set up and mistreated in the

state courts. I would not believe it if I did not witness a lot of these events myself, some with his own lawyer as a witness and I do believe on my mother and father's soul that they want my brother dead, not for anything he did, but for everything he knows to be corruption.

Respectfully submitted,

Arthur P. Clapp
Arthur P. Clapp

COMMONWEALTH OF MASSACHUSETTS

Bristal, ss.

October 23, 2020

Then personally appeared the above-named Arthur P. Clapp and acknowledged the foregoing instrument to be his free act and deed before me.

Beth J. Barstad, Notary Public

My Commission Expires:

BETH J. BARSTAD

Notary Public

Commonwealth of Massachusetts

My Commission Expires December 4, 2020



EXHIBIT 8



HAND SURGICAL ASSOCIATES
Surgery of the Hand & Upper Extremity

Office Locations: Boston • Brighton • Wellesley • Braintree • Bourne
www.BostonHand.com

Clapp, Kevin

56 Y old Male, DOB: 08/12/1959

Account Number: 197906

70 Brookville Ave, Brockton, MA-02302

Home: 617-413-2770

Guarantor: Clapp, Kevin Insurance: Medicare Part B

Claims Payer ID: PAPER

PCP: Howard Liu Referring: Paul Giella External Visit ID: 72040
Appointment Facility: Boston Office

04/26/2016

Progress Notes: Hervey Kimball, MD

Current Medications

Taking

- Vasotec
- Aspirin
- Xanax
- Lipitor
- Percocet
- Valium
- Cymbalta
- Medication List reviewed and reconciled with the patient

Past Medical History

Hypertension
Deep vein thrombosis
Cholesterol elevation

Surgical History

back surgery

Family History

heart attack, heart disease.

Social History

Tobacco Use:

Tobacco Use/Smoking Are you a:
nonsmoker.

Allergies

Penicillin G Benzathine

Reason for Appointment

1. Right elbow injury, hand numbness

History of Present Illness

:
Patient returns for evaluation of right elbow injury and cubital tunnel syndrome. Symptoms have continued despite splinting. Electrodiagnostic testing performed. No interval problems noted.

Vital Signs

Ht 6 ft 3 in, Wt 310 lbs, BMI 38.74 Index, RR 16 /min, Ht-cm 190.5 cm, Wt-kg 140.62 kg.

Examination

Imaging/Tests:

Radiographs reviewed and interpreted soft tissue swelling posterior otherwise joint reduced no significant other changes noted.

NCV/EMG abnormal study:, ulnar neuropathy cubital tunnel.

General Examination:

Patient is in no acute distress, alert and oriented. Normocephalic, atraumatic. No lymphangitis, lymphedema, bilateral. Skin has no suspicious lesions, intact, bilateral. Extremities show no cyanosis, bilateral. Normal peripheral pulses right and left upper extremity. Mood/affect appropriate to situation.

Upper Extremity:

No swelling or proximal atrophy noted. Shoulder and elbow ROM is good bilateral. Tenderness noted somewhat over posterior joint line and medial at cubital tunnel. No gross instability. Fullness at olecranon bursa region. Pain with end ranges. Elbow flexion test pain, equivocal changes in paresthesias. CTS testing equivocal pain and paresthesias. Tinel sign at cubital tunnel and wrist. Wrist and hand ROM is good. Intrinsic strength weak 5-/5. Sensation intact except fingertips index to small. There is good cap refill bilateral.

Assessments

1. Cubital tunnel syndrome on right - G56.21 (Primary)
2. Dislocation, elbow closed, right, subsequent encounter - S53.104D
3. Elbow pain, right - M25.521

Treatment

1. Others

Patient: Clapp, Kevin DOB: 08/12/1959 Progress Note: Hervey Kimball, MD 04/26/2016

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

Notes: The findings, diagnosis, and options are discussed with the patient including potential treatments. Surgery reviewed to address ulnar neuropathy, transposition vs. in situ risks and benefits outlined in detail. All questions are answered. Given weakness and paresthesias he will plan for surgery. He would like to plan for this as soon as possible. Pretesting to be arranged. Patient will call if problems or questions.

H Kimball

Electronically signed by Hervey Kimball, MD on 04/26/2016
at 09:11 AM EDT

Sign off status: Completed

Boston Office
125 Parker Hill Avenue
Boston, MA 021202847
Tel: 617-738-0857
Fax: 617-731-3109

Patient: Clapp, Kevin DOB: 08/12/1959 Progress Note: Hervey Kimball, MD 04/26/2016

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

EXHIBIT 9



Office of the Mayor

One JFK Memorial Drive
Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

781-794-81

Hi Kevin,
Enclosed, please find a copy
of an e-mail the Mayor sent
to DA Morrissey's staff requesting
and update on where your case
stands. We will keep you posted
if we hear anything.

Best,
Chris

Email to Kathryn in DA Morrissey's office

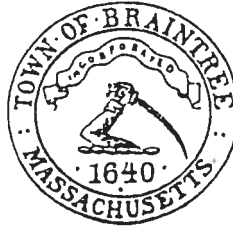
Kathryn,

Recently, I met with Kevin Clapp of Brockton. During this meeting Mr. Clapp advocated for a resolution to an issue regarding his mother, Phyllis Clapp of 468 Middle Street in Braintree. Mr. Clapp alleges that his mother was a victim of elder abuse on August 23rd of this year during her stay at the Clark House rehabilitation center in Westwood. I understand from him that this issue has been reported and is currently being investigated by the State Police and the Norfolk County District Attorney's office.

I understand that when someone alleges that a criminal act has occurred there is a long process that must be followed and that it can be a very trying time for those involved. While I understand that there is very little if any information about this ongoing case you can share with me I would ask that your office provide me, based on your experiences with similar cases in the past, a timetable as to when the Clapp family may see some sort of resolution to this issue.

My sincere thanks for your office's review of this matter.

Sincerely,
Joe Sullivan



Joseph C. Sullivan
Mayor

January 29, 2014

Mr. Kevin Clapp
79 Brookville Avenue
Brockton, MA 02302

Kevin,

Dear Kevin,

I was so very sorry to hear of the passing of your mother, Phyllis. I know that she was very proud of you and was very grateful for all that you did for her.

Please extend my best wishes to your family at this difficult time.

Very truly yours,

Be well,

[Signature]
Joseph C. Sullivan
Mayor

EXHIBIT 11

SEAL
EVIDENCE

SEAL
EVIDENCE

Sealed By

FOLD HERE

45283

MASSACHUSETTS STATE POLICE

EVIDENCE

Station/Section/Unit/Dept _____
Case Number _____ Item # _____
Type of Offense _____
Description of Evidence _____

Suspect _____
Victim _____
Date and Time of Recovery _____
Location of Recovery _____
Recovered By _____

CHAIN OF CUSTODY

Received From _____ By _____
Date _____ Time _____ AM / PM

EXHIBIT 12

**COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT OF THE TRIAL COURT**

Plymouth, SS

Brockton District Court
Docket No.: 1615CR1347

COMMONWEALTH

vs

JURY VERDICT

KEVIN CLAPP

We, the Jury, unanimously return the following verdict:

RESIST ARREST

☒ Not Guilty

☐ Guilty

Date

11/14/19


Signature of Foreperson

EXHIBIT 13

18

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT OF THE TRIAL COURT

NORFOLK, ss.

DEDHAM DIVISION
DOCKET NO.1655 CR 0281

COMMONWEALTH)
)
)
v.)
)
)
KEVIN CLAPP)

JURY TRIAL VERDICT SLIP

We the Jury, on the charge of THREAT (to kill Jane Fanning), unanimously find the defendant:

NOT GUILTY ✓

GUILTY _____

Date: March 9th, 2018

Signature: _____

Foreperson of the Jury

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT OF THE TRIAL COURT

NORFOLK, ss.

DEDHAM DIVISION
DOCKET NO.1655 CR 0281

COMMONWEALTH)
)
)
v.)
)
)
KEVIN CLAPP)

JURY TRIAL VERDICT SLIP

We the Jury, on the charge of **STALKING**, unanimously find the defendant:

NOT GUILTY ✓

OR

GUILTY _____

OR

GUILTY _____ (lesser included offense of **CRIMINAL
HARRASSMENT**)

Date: march 9th, 2018

Signature: _____

Foreperson of the Jury

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT OF THE TRIAL COURT

NORFOLK, ss.

DEDHAM DIVISION
DOCKET NO.1655 CR 0281

COMMONWEALTH)
)
)
 v.)
)
)
 KEVIN CLAPP)

JURY TRIAL VERDICT SLIP

We the Jury, on the charge of **THREAT** (to kill John Fanning), unanimously find the defendant:

NOT GUILTY ✓

GUILTY

Date: March 9th, 2018

Signature:

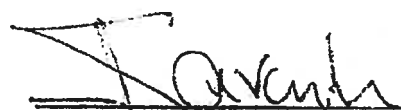

Foreperson of the Jury

EXHIBIT 14

19

AUTHORIZATION TO RELEASE
MEDICAL RECORDS
AND RECORDS PROTECTED BY HIPPA

Patient's Name: KEVIN CLAPP

Social Security No.: xxx-xx-4691

Date of Birth: August 12, 1959

Medical Provider: Brewster Ambulance Service
25 Main Street
Weymouth, MA 02188

Dates of Treatment: This release applies to all treatment that I have received from the below medical provider up through to the date this release is presented.

Effective Date: This release shall be valid for a period of one year from the date written below unless I revoke it in writing as set forth below.

Scope of Release: This release pertains to all records and bills pertaining to my treatment by Brewster Ambulance, its employees, agents and affiliated health care providers, their agents, employees and representatives, including, but not limited to, records pertaining to mental health and drug, alcohol and substance abuse treatment.

I authorize **Brewster Ambulance Service, Weymouth, Massachusetts**, its agents, employees and representatives, to release any and all medical records pertaining to me to: Joseph G. Donnellan, Rogal & Donnellan, P.C., 100 River Ridge Drive, Suite 203, Norwood, Massachusetts 02062.

The purpose of this release is to obtain records for a legal proceeding I am involved in. I authorize the use of a copy of this release to the same extent as an original.

I understand that the information described above may be redisclosed by the authorized recipients, except as precluded by law. Records that are disclosed are no longer be protected by the federal privacy regulations. I understand that I may revoke this authorization by notifying the provider, in writing, knowing that previously disclosed information would not be subject to my revocation request. I understand that I may refuse to sign this authorization and that my refusal to sign will not affect my ability to obtain treatment, payment or eligibility for benefits.


Kevin Clapp

Date: 10/16/20

Brewster Ambulance Service

Patient Care Record

Name: CLAPP, KEVIN

Incident #: 20160305834

Date: 03/08/2016

Patient 1 of 1

Patient Information				Clinical Impression			
Last	CLAPP	Address	79 Brookville Ave	Primary Impression	Traumatic Injury		
First	KEVIN	Address 2		Secondary Impression			
Middle	S	City	Brockton	Protocol Used			
Gender	Male	State	MA	Anatomic Position	Extremity-Upper		
DOB	08/12/1959	Zip	02302	Chief Complaint	Right shoulder pain		
Age	56 Yrs, 6 Months, 25 Days	Country	US	Duration	2	Units	Hours
Weight	300.0lbs - 136.1kg	Tel	(617)413-2770	Secondary Complaint			
Pedi Color		Physician		Duration		Units	
SSN	026-50-4691	Ethnicity	Not Hispanic or Latino	Patient's Level of Distress			
Race	White			Signs & Symptoms	Pain - Shoulder		
Advance Directives	None			Injury	Physical (Assault) - Physical (Assault) - Home - 03/08/2016		
Resident Status				Medical/Trauma	Trauma		
				Barriers of Care	Obesity		
				Alcohol/Drugs	None		
				Pregnancy	No		

Medication/Allergies/History	
Medications	Other - xanax, valium, cymbalta, lipitor, topol, vasotec, paracetamol, NTG,
Allergies	Other - PCN
History	Other - HTN, seizure disorder, angina, hyperlipidemia

Vital Signs															
Time	AVPU	Side	POS	BP	Pulse	RR	SPO2	ETCO2	CO	BG	Temp	Pain	GCS(E+V+M)/Qualifiers	RTS	PTS
21:30	A	L	Sit	140/ P	80 R	20 R	98						15=4+5+6	12	
21:40	A	L	Lay	140/80 M	80 R	20 R									
21:50	A	L	Lay	140/80 M	80 R	20 R									

Flow Chart			
Time	Treatment	Description	Provider
21:30	Splint Fx/Disloc.	Comments Applied sling and swathe to Right shoulder. ; Patient Response: Improved; Complication: None;	NICKERSON, STEPHEN

Initial Assessment			
Category	Comments	Abnormalities	
Mental Status		Mental Status	No Abnormalities
Skin		Skin	No Abnormalities
HEENT		Head/Face	No Abnormalities
		Eyes	No Abnormalities
		Neck/Airway	No Abnormalities
Chest		Chest	No Abnormalities
		Heart Sounds	No Abnormalities
		Lung Sounds	No Abnormalities
Abdomen		General	No Abnormalities
		Left Upper	No Abnormalities
		Right Upper	No Abnormalities
		Left Lower	No Abnormalities
		Right Lower	No Abnormalities
Back		Cervical	No Abnormalities
		Thoracic	No Abnormalities
		Lumbar/Sacral	No Abnormalities
Pelvis/GU/GI		Pelvis/GU/GI	No Abnormalities
Extremities	small abrasion noted upon upper aspect of Right scapula.	Left Arm	Not Assessed
		Right Arm	+ Other
		Left Leg	Not Assessed
		Right Leg	Not Assessed
		Pulse	Not Assessed
		Capillary Refill	Not Assessed
Neurological		Neurological	No Abnormalities

Assessment Time: 03/08/2016 21:28:22

Tpr. Kearns. 000045

Brewster Ambulance Service

Patient Care Record

Name: CLAPP, KEVIN

Incident #: 20160305834

Date: 03/08/2016

Patient 1 of 1

Ongoing Assessment			
Category	Comments	Abnormalities	
Mental Status		Mental Status	Not Assessed
Skin		Skin	Not Assessed
HEENT		Head/Face	Not Assessed
		Eyes	Not Assessed
		Neck/Airway	Not Assessed
		Chest	Not Assessed
Chest		Heart Sounds	Not Assessed
		Lung Sounds	Not Assessed
		General	Not Assessed
Abdomen		Left Upper	Not Assessed
		Right Upper	Not Assessed
		Left Lower	Not Assessed
		Right Lower	Not Assessed
		Cervical	Not Assessed
Back		Thoracic	Not Assessed
		Lumbar/Sacral	Not Assessed
		Pelvis/GU/GI	Not Assessed
Pelvis/GU/GI		Pelvis/GU/GI	Not Assessed
Extremities		Left Arm	Not Assessed
		Right Arm	Not Assessed
		Left Leg	Not Assessed
		Right Leg	Not Assessed
		Pulse	Not Assessed
		Capillary Refill	Not Assessed
		Neurological	Not Assessed

Assessment Time:

Narrative

HxPI: Dispatched to the address stated above for a "prisoner with pain". Upon arrival found 56 year old approximately 300lb male in custody of State Police Officers complaining of Right shoulder pain after he was apparently involved with a scuffle with police earlier this evening. He denies any head, neck or back injury. He also denies LOC, chest pain or SOB.

PE: Patient presents sitting in the booking area, handcuffed to a bench, CAO3 (conversing normally). Skin: pink, warm and non-diaphoretic. PERRL. Neck veins were flat. Lung sounds were clear and equal bilaterally. Abd: distended (Patient is obese), soft and non-tender with no indication of trauma. Lower ext: good distal CSM with no indications of obvious trauma. Upper Ext: Left: good distal CSM with no obvious indication of trauma. Right: a 1"x1" abrasion was noted about the Right scapula with the Patient expressing pain with movement of the Right shoulder. Good distal CSM was noted in the extremity. BP: 140/P, P: 80 strong and regular, RR: 20 N/L.

Rc Paramedics applied a sling and swathe to the Right shoulder. The Patient was then placed semi-fowlers upon litter, evacuated to a waiting ambulance and transported, priority 2, to the Morton Hospital, accompanied by State Police. There were no, significant changes to the Patient's aforementioned condition while in transit. Upon arrival Paramedic Nickerson transferred Patient care to ED RN. End of report.

Incident Details		Destination Details		Incident Times	
Location Type	Police/Jail	Disposition	Transported Lights/Siren	PSAP Call	21:21:40
Location	MIDDLEBORO STATE POLICE	Transport Due To	Patient	Dispatch Notified	21:21:40
Address	326 W Grove St	Transported To	MORTON MEDICAL CENTER	Call Received	21:21:40
Address 2		Requested By	Law Enforcement	Dispatched	21:21:40
		Destination	Hospital ER	En Route	21:22:00
City	Middleboro			Resp on Scene	21:23:55
County	Plymouth	Address	88 Washington Street	On Scene	21:23:55
State	MA	Address 2		At Patient	21:27:00
Zip	02346	City	Taunton		
Medic Unit	P17	County	bristol	Depart Scene	21:38:55
Medic Vehicle	P17	State	Massachusetts	At Destination	21:51:25
Run Type	911 Response	Zip	02780	Pt. Transferred	
Priority Scene	Lights/Sirens	Zone		Call Closed	23:06:00
Shift	Night	Condition at Destination	Unchanged	In District	
Zone	Middleboro	Destination Record #			
Level of Service	Advanced Life Support	Trauma Registry ID			
EMD Complaint	Traumatic Injury	STEMI Registry ID			
EMD Card Number	SICK UNKNOWN	Stroke Registry ID			

Crew Members

Personnel	Role	Certification Level
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Tpr. Kearns. 000047

Brewster Ambulance Service

Patient Care Record

Name: CLAPP, KEVIN

Incident #: 20160305834

Date: 03/08/2016

Patient 1 of 1

Crew Members		
NICKERSON, STEPHEN	Lead	
DAWICKI, JOSEPH	Driver	

Insurance Details					
Insured's Name	KEVIN S CLAPP	Primary Payer	Medicare	Dispatch Nature	
Relationship	Self	Medicare	026504691a	Response Urgency	
Insured SSN	026-50-4691	Medicaid		Job Related Injury	No
Insured DOB	08/12/1959	Primary Insurance		Employer	
Address1	79 Brookville Ave	Policy #		Contact	
Address2		Group #		Phone	
Address3		Secondary Ins	Other Insurance - GIC Indemnity		
City	Brockton	Policy #			
State	MA	Group #			
Zip	02302				
Country	US				

Mileage		Delays		Additional Agencies
Scene	0.0	Category	Delays	
Destination	8.7			
Loaded Miles	8.7			
Start	0.0			
End	8.7			
Total Miles	8.7			

Next of Kin				
Next of Kin Name		Address1		City
Relationship to Patient		Address2		State
Phone		Address3		Zip
				Country US

Consumables					
Description	Qty	Description	Qty	Description	Qty
no items used	1				

Personal Items		
Item	Given To	Comment
Other	Patient	leather coat

Patient Transport Details			
How was Patient Moved to Ambulance	Stretcher	How was Patient Moved From Ambulance	Stretcher
Patient Position During Transport	Semi-Fowlers	Condition of Patient at Destination	Unchanged

Transfer Details			
PAN		Sending Physician	
PCS		Sending Record #	
ABN		Receiving Physician	
CMS Service Level		Condition Code	
ICD-9 Code		Condition Code Modifiers	
Transfer Reason			
Other/Services			
Medical Necessity	Emergency-Right shoulder injury		

Tpr. Kearns. 000049

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10/23/20, 9:06 AM

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